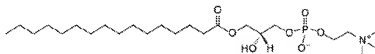


REMARKS

Rejection of the claims under 35 USC §102

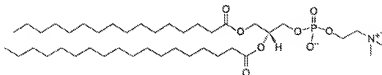
Claims 1-8 and 21-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by EP 0335133 as evidenced by US 5,939,536. The Examiner maintains that '536 teaches phosphatidylcholine is a detergent. '536 does not, as the examiner contends, teach at column 4 lines 8-15 that phosphatidylcholine is a detergent. '536 teaches that α -lyso Phosphatidylcholine is a detergent. As stated in the Applicant's previous reply, α -lyso Phosphatidylcholine is NOT Phosphatidylcholine. While α -lyso Phosphatidylcholine is in fact a detergent, Phosphatidylcholine, as taught by EP 0335133, is a lipid.



α -lyso Phosphatidylcholine

(structure from Avanti polar lipids)

(<http://www.avantilipids.com/ProductStructures.asp?n=830071>)



Phosphatidylcholine

(structure from Avanti polar lipids)

(<http://www.avantilipids.com/ProductStructures.asp?n=840059>)

Claims 1-8 and 21-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by US 5,858,398 as evidenced by US 3,578,591. Applicants respectfully disagree. As stated in the previous reply, '398 teaches only a composition containing all of the following:

- 1) a pharmaceutical agent,
- 2) at least on water soluble phospholipid,
- 3) at least on lipid soluble phospholipid,
- 4) at least one non-ionic detergent having an HLB value of 15 or less,

- 5) at least one non-ionic detergent having an HLB value of 6 or less, and
- 6) at least one water soluble sterol.

In contrast, Applicants teach and claim a composition consisting essentially of:

- 1) a charge polypeptide and
- 2) a detergent of opposite charge.

The composition taught and claimed by the Applicants clearly provides a simply composition for delivering a peptide to a cell.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1-8 and 21-24 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the USPTO on this date: <u>May 22, 2007</u> . <u>/Kirk Ekena/</u> Kirk Ekena
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